IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.542 OF 2006

Shivaji Ramkrishna Kumavat ..Applicant.

V/s

State of Maharashtra ..Respondent

Mr. U.P. Warunjikar for the applicant.

Mr. S.S. Tatkare, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 27th February, 2006

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was working as a Special Land Acquisition Officer till July, 2004. The Municipal Commissioner had written a letter to the applicant seeking information regarding stage of the acquisition proceedings in respect of the land which was owned by one Prabhakar Bhide. The applicant accordingly gave the correct information to the Municipal Commissioner. Thereafter, another letter was allegedly sent by the applicant and it was stated in the letter that the owner of the said land Shri Prabhakar Bhide had not handed over the possession in respect of the land which was under acquisition.

3. The case of the prosecution is that Shri Prabhakar Bhide and his power of attorney had applied to the Corporation for TDR rights by forging certain documents.

4. It is submitted by the learned Counsel for the applicant that the subsequent letter which was sent to the Municipal Commissioner which is at page 49 of the application was, in fact, forged and he had, on the contrary, given the information by letter of the same date which is at Exhibit-L.

5. The learned APP for the state has stated that, so far, they have not received any information from handwriting expert giving his opinion as to whether the letter at Exhibit-N at page 49 is a forged letter or is a letter signed by the present applicant. Since there is no other material available to indicate that the applicant was party to the conspiracy to defraud the Municipal Corporation by tendering forged documents, in my view, the applicant has made out a case for grant of bail. Admittedly, all other accused are released on bail. The applicant, therefore, be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount. He shall report to

the Additional DCP, ACB, Pune for a period of one week between 11.00 a.m. to 5.00 p.m from 6/3/2006 and, thereafter, once in a month.

6. Application is accordingly disposed of.

V.M. KANADE, J.